

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARJIE LEVY,

Plaintiff,

v.

PFIZER, INC.,

Defendant.

Case No.: _____

**DECLARATION OF ZACK APKARIAN IN SUPPORT OF PFIZER, INC.'S
NOTICE OF REMOVAL**

I, Zack Apkarian, declare as follows:

1. I submit this declaration in support of Pfizer Inc's Notice of Removal. The facts contained in this declaration are based on my personal knowledge or my review of Pfizer's corporate records, and I can testify competently to them if called upon to do so.

2. I am the Senior Director of Global Analytics and Business Insights at Pfizer Consumer Healthcare (hereinafter, "Pfizer"), a position I have held since 2007. In that position, my responsibilities include the purchase and maintenance of syndicated data.

3. Pfizer does not itself maintain records, on a state-by-state basis, of the total dollar amount of retail sales of Advil. Pfizer is able to purchase information regarding retail sales from SymphonyIRI Group ("IRI"), a company that provides information and analytics for consumer packaged goods, retail, and healthcare companies in the United States and internationally. I regularly request information from IRI and maintain and use it in the ordinary course of business. One of the services IRI provides is tracking retail sales of products by gathering data from the scanners at checkouts in thousands of grocery, drug and other retail stores across the country, including Walgreens, CVS, and Wal-Mart. By analyzing this scanner data, IRI attempts to project the total dollar amount of retail sales of a particular product, including on a state-by-state basis.

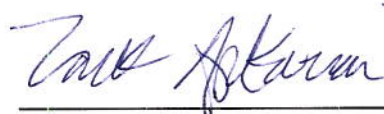
4. For purposes of this declaration, I was asked to obtain from IRI their total projected dollar amount of retail sales of Advil in the state of Missouri during the proposed class period. Upon my request, IRI provided me with that information for the period from January 2009 through October 2012. Based upon a representative sample of sales of Advil in the state of Missouri, IRI projected that the retail sales of Advil (not including Advil PM) in Missouri during this period were as follows:

- Sales in 2009—\$6,522,315
- Sales in 2010—\$6,607,189
- Sales in 2011—\$6,599,004
- Sales in 2012 (through Oct. 2012)—\$6,869,885

5. Thus, according to the information IRI provided at Pfizer's request, retail sales of Advil in Missouri from January 2009 to October 2012 totaled \$26,598,393.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of December 2012, in Madison, New Jersey.

A handwritten signature in blue ink, appearing to read "Zack Apkarian", is written over a horizontal line.

Zack Apkarian